



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CWA/166896

PRELIMINARY RECITALS

Pursuant to a petition filed June 26, 2015, under Wis. Admin. Code § HA 3.03, to review a decision by the agent of the Bureau of Long-Term Support in regard to IRIS, a Medical Assistance (MA)-related program, a hearing was held on August 4, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the IRIS agency correctly denied the petitioner's application for IRIS participation due to her enrollment in another MA-based program.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
With [REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] Quality Serv. Spec.
TMG (IRIS consultant agency)
Madison, WI

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On or before May 1, 2015, the petitioner was enrolled in the Family Care (FC) program, and I-Care MA HMO. On May 18, 2015, the petitioner attempted to apply for the IRIS program, while still having an open FC and I-Care case. The petitioner filed a previous IRIS application in

November 2014, which listed an incorrect date of birth (December 8); the petitioner withdrew that application.

3. The IRIS agency denied the petitioner's May 2015 IRIS application on June 17, 2015. The petitioner appealed.

DISCUSSION

The IRIS agency denied the petitioner's IRIS application because (1) she was already enrolled in two MA-based long-term care programs, and (2) it appeared that the petitioner was using two different dates of birth and Social Security numbers for her enrollment in the other two programs. The agency was concerned about possible fraud to the program.

At hearing, the petitioner clarified that her date of birth is December 15, not December 8, and that her correct Social Security number ends in [REDACTED]. The December 15 date does appear on the petitioner's Wisconsin driver's license.

The agency stated that it would be willing to re-consider the petitioner's IRIS eligibility if she disenrolls from I-Care and files a new IRIS Referral document. The agency's action and current position are reasonable and are upheld here. The petitioner's daughter indicated that she would proceed with closure of the duplicate I-Care case and then attempt a new IRIS referral. The agency indicated that she might wish to contact the ADRC at 414-289-6874 to proceed with closure of the I-Care case.

CONCLUSIONS OF LAW

1. The IRIS agency correctly denied the petitioner's May 2015 IRIS referral/application.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

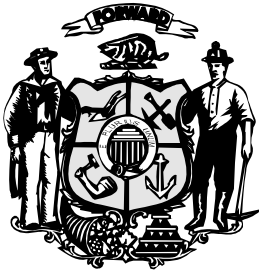
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 24th day of September, 2015

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 25, 2015.

Bureau of Long-Term Support